

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERIC CERVINI *et al.*,

Plaintiffs,

v.

Case No. 1:21-cv-565-RP

ELIAZAR CISNEROS *et al.*,

Defendants.

**DEFENDANT STEVE AND RANDI CEH'S
CONTESTED MOTION FOR CONTINUANCE OF TRIAL**

Mr. and Mrs. Seh, after a diligent search, and at the strong urging of this Court, have finally been able to retain counsel in this matter to represent them at the upcoming trial. Given the complexity of this case, and the sheer volume of documents, witnesses, transcripts and pleadings that undersigned counsel will need to digest in preparation for what looks to be a two- to three-week trial—which begins with jury selection one week from today—the Sehs respectfully request a brief continuance. The Sehs are not asking to reopen deadlines or other discovery matters, and seek only a two-week continuance, in the interest of justice, to give their counsel additional time to prepare for this important case.

The Sehs recognize that a continuance is within the sound discretion of this Court, and that a continuance at this stage will undoubtedly be disruptive to the Court's schedule and should be granted only for compelling reasons. *See United*

States v. Rounds, 749 F.3d 326, 336 (5th Cir. 2014). The Sehs also recognize that delay of the trial could result in some prejudice to Plaintiffs, who wish to proceed on the current schedule.¹ The prejudice to Plaintiffs, however, of an extra two weeks—in a case that has spanned over three years—would be minor in comparison to the prejudice to the Sehs of going forward on September 9. Additionally, giving newly retained counsel additional time to prepare for trial is a compelling reason to allow a brief continuance. In the interest of justice, the Sehs therefore respectfully request that this Court grant a two-week continuance of the trial.

Dated: August 30, 2024

Respectfully submitted,

/s/ Jason C. Greaves
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¹ Undersigned counsel met and conferred with Plaintiffs' counsel on this issue, and they oppose a continuance. The Mesaros Defendants also oppose a continuance. Defendants Park and Cisneros do not oppose a continuance.

CERTIFICATE OF SERVICE

I certify that on August 30, 2024, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/ Jason C. Greaves
Jason C. Greaves, TBN 24124953

Attorney for Steve and Randi Ceh